



October 28, 2004

VIA FAX - (601) 352-7757  
and REGULAR MAIL  
Ms. Betty Mallett  
McGlinchey Stafford PLLC  
City Centre, Suite 1100  
200 South Lamar St.  
Jackson, MS 39201

Marcia Robinson Lowry  
President &  
Executive Director

Board of Directors

Alan C. Myers  
Chairman & Treasurer  
Robin L. Dahlberg  
Secretary  
Daniel H. Galpern  
Jeffrey B. Gracer  
Harvey Keitel  
Howard M. Maisel  
Alice Rosenwald  
Melissa C. Saiten  
Hershel B. Sachin  
Carol Wilson Spigner  
Anne Strickland Squadron

Re: *Olivia Y. et al. v. Barbour et al.*

Dear Ms. Mallett:

As we discussed on October 26, 2004, during the course of Yutaska Simpson's deposition, it is apparent that existing case records relating to Named Plaintiff Calvin Burks, Jr. (Cody B.) maintained on MACWIS (the State's computer information system) have not been produced to Plaintiffs pursuant to the court's June 17, 2004 Case Management Order. For example, Ms. Simpson testified that she makes her formal case narrative entries solely in MACWIS, not in the paper record, and that case plans are also maintained on MACWIS. The case file produced to Plaintiffs for Calvin Burks contained no such records, although they are referred to therein.

Please advise by November 2, 2004 when we can expect to receive any and all computer-maintained case records relating to Named Plaintiff Calvin Burks, Jr., as I requested during the deposition of Ms. Simpson on October 26, 2004. By the same token, please advise whether the other Named Plaintiff case records produced to Plaintiffs pursuant to the court's CMO are similarly incomplete, and if so, when we can expect to receive the missing MACWIS records.

Finally, as also identified and requested during Ms. Simpson's deposition, the psychological evaluations of Calvin Burks' parents by Dr. Matherne, referenced in Ms. Simpson's court report of November 24, 2003, are missing from the case record produced to Plaintiffs. We look forward to receiving these missing documents as soon as possible.

Sincerely yours,

*Eric Thompson /aw*

Eric Thompson  
Plaintiffs' counsel

cc: Wayne Drinkwater & Melody McAnally, Bradley Arant  
Stephen Leech, Esq.  
John Lang, Loeb & Loeb



404 Park Avenue South, New York, NY 10016  
Tel: 212-683-2210 • Fax: 212-683-4015 • [info@childrensrights.org](mailto:info@childrensrights.org) • [www.childrensrights.org](http://www.childrensrights.org)